

LAW OFFICES  
**STAAS & HALSEY LLP**

1201 New York Avenue, N.W.  
Suite 700

Washington, D.C. 20005  
TELEPHONE: (202) 434-1500  
FACSIMILE: (202) 434-1501

RECEIVED  
CENTRAL FAX CENTER

AUG 30 2006

FACSIMILE TRANSMISSION

August 30, 2006

TO USPTO: COMMISSIONER OF PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

FAX NO: 571-273-8300 TELEPHONE:

FROM: Darleen J. Stockley

RE: U.S. Serial No. 09/913,956

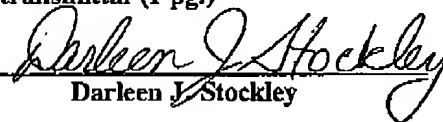
OUR DOCKET: 1957.1001 (formerly 1546.1004)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the below-listed correspondence is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006

Communication to Examiner re Resubmittal of Response to Restriction Requirement (1 pg.), Resubmittal of Response to Restriction Requirement with January 6, 2006 fee transmittal (4 pgs.), Copy of Receipt Postcard (1 pg.), Fee transmittal (1 pg.)

By:

  
Darleen J. Stockley

Date: August 30, 2006

NO. OF PAGES (Including this Cover Sheet) 8

**PRIVILEGED & CONFIDENTIAL**

The information contained in this communication is confidential, may be attorney-client privileged, and is intended only for the use of the addressee(s). Unauthorized use, disclosure or copying is strictly prohibited. If there are any problems with this transmission, please contact us immediately.

Docket No. 1957.1001  
(Previously Docket No.1546.1004)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

AUG 30 2006

In re the Application of:

Chi Bom CHAE, et al.

Confirmation No. 5954

Serial No. 09/913,956

Group Art Unit: 1654

Filed: August 21, 2001

Examiner: Jeffrey E. RUSSEL

For: ARGININE-RICH ANTI-VASCULAR ENDOTHELIAL GROWTH FACTOR PEPTIDES  
THAT INHIBIT GROWTH AND METASTASIS OF HUMAN TUMOR CELLS BY  
BLOCKING ANGIOGENESIS

**COMMUNICATION TO EXAMINER RE RESUBMITTAL OF RESPONSE  
TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to a telephone conference with Examiner Jeff Russel on today's date, enclosed is a duplicate of the documents that were previously submitted on January 6, 2006, including a copy of the stamped postcard, evidencing receipt by the USPTO on January 6, 2006.

Should there be any questions, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS &amp; HALSEY LLP

Date: August 30, 2006

By: Darleen J. Stockley  
Darleen J. Stockley  
Registration No. 34,257

1201 New York Ave, N.W., Ste. 700  
Washington, D.C. 20005  
(202) 434-1500

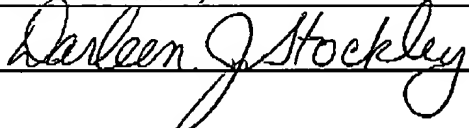
**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on August 30, 2006  
STAAS & HALSEY  
By: Darleen J. Stockley  
Date: August 30, 2006

RECEIVED  
CENTRAL FAX CENTER

AUG 30 2006

S&amp;H Form: (02/05)

<b>REPLY/AMENDMENT FEE TRANSMITTAL</b>		Attorney Docket No.	1957.1001 (formerly 1546.1004)		
		Application Number	09/913,956		
		Filing Date	September 13, 2001		
		First Named Inventor	Chi Bom CHAE		
		Group Art Unit	1654		
AMOUNT ENCLOSED	0.00	Examiner Name	Jeffrey E. RUSSEL		
<b>FEE CALCULATION (fees effective 12/08/04)</b>					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	6	20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	3	3 =	0	X \$ 200.00 =	0.00
Since an Official Action set an <u>original</u> due date of , petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160));					
If Notice of Appeal is enclosed, add (\$500.00)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$ 0.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
<b>TOTAL FEES DUE =</b>					\$ 0.00
<small>(1) If entry (1) is less than entry (2), entry (3) is "0".  (2) If entry (2) is less than 20, change entry (2) to "20".  (4) If entry (4) is less than entry (5), entry (6) is "0".  (5) If entry (5) is less than 3, change entry (5) to "3".</small>					
<b>METHOD OF PAYMENT</b>					
<input type="checkbox"/> Check enclosed as payment. <input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below. <input checked="" type="checkbox"/> No payment is enclosed.					
<b>GENERAL AUTHORIZATION</b>					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to: Deposit Account No. <u>19-3935</u> Deposit Account Name <u>STAAS &amp; HALSEY LLP</u>					
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
<b>SUBMITTED BY: STAAS &amp; HALSEY LLP</b>					
Typed Name	Darleen J. Stockley			Reg. No.	34,257
Signature				Date	August 30, 2006

©2005 Staas &amp; Halsey LLP

Please Date Stamp and return

Response to Restriction Requirement (3 pgs.), Fee transmittal (1 pg.)

---

APPLICANT(S): Chi Bom CHAE, et al.

SERIAL NO: 09/913,956

CONFIRMATION NO. 5954

TITLE: ARGININE-RICH ANTI-VASCULAR ENDOTHELIAL GROWTH FACTOR  
PEPTIDES THAT INHIBIT GROWTH AND METASTASIS OF HUMAN TUMOR  
CELLS BY BLOCKING ANGIOGENESIS

FILING DATE: September 13, 2001

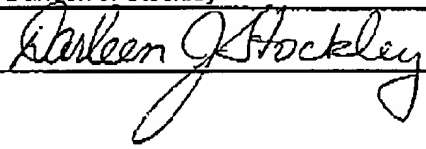
DOCKET NO: 1546.1004/JCG:DJS

DUE DATE: January 8, 2006



2

S&amp;H Form: (02/05)

<b>REPLY/AMENDMENT FEE TRANSMITTAL</b>		Attorney Docket No.	1546.1004		
		Application Number	09/913,856		
		Filing Date	August 21, 2001		
		First Named Inventor	Chi Bom CHAE et al.		
		Group Art Unit	1654		
AMOUNT ENCLOSED	0.00	Examiner Name	Russel, Jeffrey E.		
<b>FEE CALCULATION (fees effective 12/08/04)</b>					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	6	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	3	- 3 =	0	X \$ 200.00 =	0.00
Since an Official Action set an original due date of January 8, 2006, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)).					
If Notice of Appeal is enclosed, add (\$500.00)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$ 0.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
<b>TOTAL FEES DUE =</b>					<b>\$ 0.00</b>
(1) If entry (1) is less than entry (2), entry (3) is "0". (2) If entry (2) is less than 20, change entry (2) to "20". (4) If entry (4) is less than entry (5), entry (5) is "0". (5) If entry (5) is less than 3, change entry (5) to "3".					
<b>METHOD OF PAYMENT</b>					
<input type="checkbox"/> Check enclosed as payment.					
<input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below.					
<input checked="" type="checkbox"/> No payment is enclosed.					
<b>GENERAL AUTHORIZATION</b>					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to: Deposit Account No. 19-3935 Deposit Account Name STAAS & HALSEY LLP					
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
<b>SUBMITTED BY: STAAS &amp; HALSEY LLP</b>					
Typed Name	Darleen J. Stockley		Reg. No.	34,257	
Signature			Date	January 6, 2006	

©2005 Staas &amp; Halsey LLP

Docket No.: 1546.1004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Chi Bom CHAE, et al.

Serial No. 09/913,956

Group Art Unit: 1654

Filed: August 21, 2001

Examiner: Jeffrey E. RUSSEL

For: ARGININE-RICH ANTI-VASCULAR ENDOTHELIAL GROWTH FACTOR PEPTIDES  
THAT INHIBIT GROWTH AND METASTASIS OF HUMAN TUMOR CELLS BY  
BLOCKING ANGIOGENESIS

RECEIVED  
CENTRAL FAX CENTER  
AUG 30 2006

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed December 8, 2005, having a shortened period for response set to expire on January 8, 2006, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I (claim 2)** in response to the preliminary restriction requirement set forth in the Office Action. In accordance with our telephone conference with the Examiner on December 14, 2005, it is our understanding that, upon consideration of Group I, linking claims 1, 5, and 6 will automatically also be considered.

II. Applicants Traverse the Requirement

Insofar as Group II (claim 3) and Group III (claim 4) are concerned, it is believed that claims 3 and 4 are so closely related to elected claim 2 that they should remain in the same application. The elected claim 2 is directed to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 1, claim 3 is drawn to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the

Ser. No. 09/913,956

Docket No. 1546.1004

sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 2, and claim 4 is drawn to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 3.

It is believed that the Examiner would find references containing Sequence 1, Sequence 2 and Sequence 3 claims in the same field of technology. While it is noted that the Examiner has identified different searches needed for Sequence 1, Sequence 2 and Sequence 3 claims, it is believed that the searches are highly related and are not conclusive on the question of restriction. It is believed, moreover, that evaluation of the three sets of claims would not place an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II and Group III claims by filing divisional applications.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). It is respectfully submitted that, due to the features set forth in the linking claims, searches for Sequence 1, Sequence 2 and Sequence 3 claims with respect to the linking features would be highly related, and thus would not be a serious burden to the Examiner.

### III. Conclusion

Upon review of references involved in this field of technology, when considering that the peptide recited by the elected Group I claim (claim 2) is directed to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 1, that the peptide recited by the Group II claim (claim 3) is

Ser. No. 09/913,956

Docket No. 1546.1004

directed to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 2, and that the peptide recited by the Group III claim (claim 4) is directed to a peptide for inhibiting the activity of the vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, wherein the peptide comprises the amino acid sequence of Sequence No. 3, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: January 6, 2006

By: Darleen J. Stockley  
Darleen J. Stockley  
Registration No. 34,257

1201 New York Ave, N.W., Ste. 700  
Washington, D.C. 20005  
(202) 434-1500